

REMARKS

Claims 1-20 and 34-40 are pending in the present application. Claim 1 has been amended to correct a typographical error ("section" is amended to "second"), and to correct a reference to "virus" that should read "viruses." New claim 40, which recites an optional further step in addition to those recited in claim 1, separating the pellet from the supernatant, has been added.

Applicants have further amended claim 1 to clarify that "cationic polyelectrolyte and anionic polyelectrolyte can form complexes with the viruses" and to recite a step of "allowing complexes of the viruses, anionic polyelectrolyte, and cationic polyelectrolyte to form in the second solution." Support for these amendments can be found throughout the application as filed, including at page 7, lines 21-25; page 9, lines 26-27; page 12, lines 20-23; page 12, line 30- page 13, line 2; and page 14, line 29-page 15, line 1. The amendments and claims add no new matter.

35 USC §112, ¶ 2

Claims 1-20 have been rejected for allegedly being indefinite. First, the Examiner noted a typographical error that appeared in claim 1, line 5: the word "section" was inadvertently inserted in place of "second." Applicants thank the Examiner for pointing out the mistake and have amended the claim, thereby obviating the rejection on those grounds.

Further, claims 1-20 were rejected as follows (*Office Action*, pg. 2):

The claims are still confusing as the relationship of the different cationic and anionic polyelectrolytes present in the solution with the virus. There is enough confusion to render the claims indefinite as the claims do not particularly point out and distinctly claim the subject matter which applicant regards as the invention. It would appear that applicant should indicate that the anionic polyelectrolyte binds the virus and that the cationic one complexes the anionic (as indicated in claim 6).

Claim 1, as amended, recites:

1. A method for purifying viruses from a first solution, the method comprising:

(a) combining the first solution with an anionic polyelectrolyte and a cationic polyelectrolyte, wherein the cationic polyelectrolyte and anionic polyelectrolyte can form complexes with the viruses, to form a second solution;

(b) allowing complexes of the viruses, anionic polyelectrolyte, and cationic polyelectrolyte to form in the second solution, and

(c) centrifuging the second solution to obtain a supernatant and a pellet, wherein the pellet comprises the viruses.

Applicants thank the Examiner for the brief telephone discussion of this rejection with the undersigned on September 27, 2004. As discussed, these amendments clarify that the viruses, anionic polyelectrolyte, and cationic polyelectrolyte form complexes together. However, neither claim 1 nor claim 6 specify (nor should they specify) that “the anionic polyelectrolyte binds the viruses” as suggested in the Office Action. The claimed methods allow for this scenario, and also allow for the possibility that the cationic polyelectrolyte binds to the virus, and the anionic polyelectrolyte binds to the complex of the cationic polyelectrolyte and the virus, and for the possibility that a complex first forms between the cationic and anionic polyelectrolytes, and the virus associates to the whole complex, and so on. The order in which the complexes form is not specified (nor is the order of addition of the polyelectrolytes, see claims 19-20), and applicants submit that the exact kinetic mechanism of action need not be recited in the claims. One of skill in the art would not find the claim as amended to be confusing. Thus, it would be inappropriate to limit the claims in the manner suggested in the Office Action.

Applicants submit that the claims as amended are not indefinite and request withdrawal of the rejection under 35 U.S.C. § 112, ¶ 2, and allowance of the claims.

Applicant : LeDoux et al.
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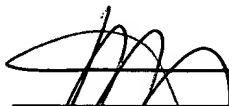
Attorney's Docket No.: 00786-492001 / MGH 1632.0

Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00786-492001.

Respectfully submitted,

Date: _____

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